

Appl. No. 09/915,082
Amdt. dated February 2, 2006
Reply to Office action of November 10, 2005

REMARKS/ARGUMENTS

Applicants received the Office action dated November 10, 2005 in which the Examiner: 1) rejected claims 1-9, 11-21, 23-30 and 33-42 under 35 U.S.C. § 103(a) as being obvious over Fung (U.S. Pat. No. 6,859,882, hereinafter "Fung"). With this Response, Applicants amend claims 1, 3, 9, 11, and 30 and cancel claims 4-7, 14-20, and 34.

Applicants amend claim 1 to require multiple groups of computers and deploying a less efficiently operating computer from one group to another based on transactions on the external network. Fung does not teach or suggest a redeployment of a computer from one group to another as claimed. At least for this reason, claim 1 and all claims dependent thereon are allowable. The same or similar amendments were made to claims 9 and 30, and thus claims 9 and 30 and associated dependent claims are also allowable.

Claim 21 requires a user being able to specify an upper limit for power usage by the data center and the master PMA maximizing a performance of the data center for the specified power limit. Applicants do not find this limitation in Fung and also note that the Examiner failed to mention this limitation in the Office action and thus failed to explain how Fung discloses the claim 21 limitation mentioned above. Thus, a prima facie case of obviousness has not been made.

Applicants also traverse the rejection of claim 26. Claim 26 requires a user to be able to "specify a performance criterion for said data center." The user-specified "performance criterion" is used by the master PMA as claimed. Fung does not teach or suggest permitting a user to specify a performance criterion for the data center and adjusting the power consumption state of a computer based on the specified performance. Further, the Office action failed to even acknowledge the existence of this claim language and thus the Examiner has not made out a prima facie case of obviousness. For either or both of these reasons, Applicants contend that claim 26 and all claims dependent thereon are allowable over Fung.


The Examiner rejected claims 35-42 but, as in the previous Office action, failed to refer to all of the limitations of these claims and where such limitations

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are found in Fung. Without such an analysis by the Examiner, Applicants are disadvantaged in forming a response. At any rate, Applicants submit that claim 35 requires that the claimed protocol to include "time sequences which specify permitted computer system power usage." The Examiner did not explain that this feature was found in Fung and Applicants do not find this limitation to be in Fung. For at least these reasons, Applicants contend that claim 35 and all claims dependent thereon are allowable over Fung.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,


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